

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ECF

DON YOUNG, whose formal  
name is DONG WAN YANG,

Civil Action

Plaintiff,

Civil Action No.:

-against-

NAMEPAL.COM, LLC,  
DROPWEEK.COM, INC.,  
UNITED PRIVACY CORP.,  
MYSTERY DOMAIN NAME  
OWNER(S) (FICTITIOUS  
NAMES, NO. 1-10),  
JOHN DOES (FICTITIOUS NAMES,  
NO'S 1-50) and  
XYZ COMPANIES (FICTITIOUS  
NAMES, NO'S 1-50),

VERIFIED COMPLAINT

*Before:*

Hon. \_\_\_\_\_

-and-

Hon. \_\_\_\_\_

Defendants.

A JURY TRIAL IS DEMANDED

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Plaintiff, Don Young, whose formal name is Dong Wan Yang, by and  
through his attorneys, Kim & Bae, P. C., hereby respectfully submits his  
Complaint against the Defendants, and truly and verily avers the following:

## **STATEMENT OF THE CASE**

1. The Plaintiff, Don Young, and his wife, Hai Chung, registered the term “Mixona” as a trademark with the United States Patent and Trademark Office. The domain name, “www.mixona.com,” is under the control of Defendants NamePal.com, LLC, DropWeek.com, Inc., and United Privacy Corp., or some person or entity, whose identity is being concealed from the Plaintiff. Defendants NamePal.com, LLC, and DropWeek.com, Inc., seem to claim that the owner of the domain name is United Privacy Corp., although what they are asserting is difficult to comprehend. However, United Privacy Corp. is, upon information and belief, a company whose business is to keep the owners of domain names a secret; hence, the apparent “true” owner is named as Mystery Domain Name Owner(s), Fictitious Names, No’s 1-10. Repeated demands and requests to transfer the “www.mixona.com” domain name over to its rightful owner have been spurned.

Mr. Young wishes to launch an apparel business, using his Mixona trademark.

### **JURISDICTION AND VENUE**

2. The Court possesses jurisdiction pursuant to 28 U.S.C. § 1331 (Federal question), as the case arises under the Anticybersquatting Consumer Protection Act, 15 U.S.C. § 1125(d) and the Trademark Remedy Clarification Act, 15 U.S.C. § 1125(a). *See also* 15 U.S.C. § 1125(d)(2) (*in rem* civil jurisdiction).

3. Venue is proper under 28 U.S.C. § 1391, as the Plaintiff is a resident of the Southern District of New York.

### **STATEMENT OF THE PARTIES**

4. The Plaintiff, Don Young, whose formal name is Dong Wan Young, is an individual who resides 400 East 52<sup>nd</sup> Street, Apartment 14F, New York, New York 10022, in the Borough of Manhattan, County of New York, in the City and State of New York. Mr. Young's wife is Hai Chung. Mr. Young maintains his principal place of business at 244 Fifth Avenue, Suite D274, New York, New York 10001, in the Borough of Manhattan, County of New York, in the City and State of New York.

5. The Defendant, NamePal.com, LLC, is a corporation, incorporated in the State of Florida, which maintains a place of business at both 6140 Tutt Boulevard, Suite 230, Colorado Springs, Colorado 80923 and 3525 West Lake Mary Boulevard, Suite 308, Lake Mary, Florida 32746.

6. The registered agent of NamePal.com, LLC, is Argam Poghosian, whose address is 3525 West Lake Mary Boulevard, Suite 308B, Lake Mary, Florida 32746.

7. The Defendant, DropWeek.com, Inc., is a corporation, incorporated in the State of Colorado, which maintains a place of business at 6140 Tutt Boulevard, Suite 230, Colorado Springs, Colorado 80923.

8. The Defendant, United Privacy Corp., is a corporation is apparently incorporated in the nation of Belize, which maintains a public mailing address of P.O. Box 2, Belize City, BELIZE.

9. The fictitious Defendants, Mystery Domain Name Owner(s) (Fictitious Names, No's 1-10), are, upon information and belief, one or more people or entities, who are the actual "owner" of the domain name known as "www.mixona.com." The unknown entities include companies, corporations, sole proprietorships, partnerships, non-profit corporations, not-for-profit corporations, limited liability companies, professional corporations, or other entities.

10. The fictitious Defendants, John Does (Fictitious Names, Nos's 1-50 and XYZ Companies (Fictitious Names, No's 1-50), are people or entities, including companies, corporations, sole proprietorships, partnerships, non-profit corporations, not-for-profit corporations, limited liability companies, professional

corporations, or other entities, whose identities are not known to the Plaintiff, who are or may be liable to the Plaintiff under tort, contract, or equitable theories of law and equity.

### **STATEMENT OF FACTS**

11. On or about July 29, 2003, the Plaintiff, Don Young, and his wife, Hai Chung, registered the name “MIXONA” as a trade name with the United States Patent and Trademark Office (“USPTO”). *See printout from the USPTO’s Trademark Electronic Search System, accessed on 1/1/2016, Ex. 1.*

12. In 2015, the Plaintiff, Don Young, discovered that the trademarked Mixona name had been become incorporated into a domain name, “www.mixona.com,” by someone who is a stranger to Don Young and Hai Chung, and who is unknown to them.

13. Mr. Young believed that the owner of the Mixona domain name was the Defendant, NamePal.com, LLC.

14. On or about November 25, 2015, counsel wrote to NamePal, seeking NamePal turn the Mixona domain name over to Mr. Young. *Ex. 2.*

15. NamePal sent an email back, the same day, saying that the Mixona name had been “suspended,” but saying that the Plaintiff “need[ed] to file a complaint with ICANN so we can give you this domain.” *Ex. 3.*

16. The Plaintiff then filed a “complaint,” by email, with the Internet Corporation for Assigned Names and Numbers (ICANN), saying: “I represent Mr. Don Young. He is the owner of the trademark ‘mixona,’ which is registered with the U.S. Patent & Trademark Office. An organization named ‘namepal’ permitted another person, other than Don Young, to set-up a website named ‘www.mixona.com.’ This action violates the Lanham Trademark Act, 15 U.S.C. §§ 1114 & 1125; the Federal Dilution Act of 1995, 15 U.S.C. § 1125(c), the Anticybersquatting Consumer Protection Act of 1999, 15 U.S.C. § 1125(d); the Florida Trademark Act, Fla. Stat. § 495.001 et seq., and the New York Trademark Act, McKinney’s Gen. Bus. Law § 360 et seq. Namepal, Inc., has agreed to suspend the use website by the infringer. Please accept this as a request and demand to transfer the www.mixona.com address to Mr. Don Young.” *See copy of complaint, filed by November 30, 2015, Ex. 4; this was cut-off when being printed off the screen, and the remainder of the complaint is found in Ex. 9.*

17. Also on November 30, 2015, the Plaintiff followed up the “complaint” with a regular mail letter. *Ex. 5.*

18. On or about December 1, 2015, the Plaintiff received an email from Mr. Jay Weissman, C.O.O. of NamePal, saying that NamePal was not the owner of the Mixona domain name. *Ex. 6.* Mr. Weissman claimed that NamePal was “the ICANN accredited registrar provider only. *Ibid.* Mr. Weissman further claimed that NamePal lacked “the capacity to make decisions on trademark complaints.” *Ibid.* He further asserted that “[a]ny complaints should be resolved directly with the owner of the domain. This information is accessible via the public WHOIS database system. Attached below is a copy of this information, the owner of the domain can be found under the data field “Registry Registrant.” *Ibid.*

19. No field entitled “Registry Registrant” exists. *See ibid.*

20. There is a field that states: “Registrar.” This states:  
“DROPWEEK.COM.”

21. Additional emails from Mr. Jay Weissman, dated December 1, 2015, are attached as *Ex’s 7 & 8.*

22. Contrary to NamePal’s email of November 25, 2015, *see Ex. 3*, ICANN does not transfer domain names by the mere filing of a “complaint.” *See* ICANN email, dated December 1, 2015, *Ex. 9.*

23. Instead, ICANN suggested the following alternatives: “(1) Work out and agreement with the current registrant; (2) Wait and see if the current registrant lets the domain name expire; (3) File a lawsuit in the appropriate court against the current registrant; and/or (4) Begin an administrative proceeding under the Uniform Domain-Name Dispute Resolution Policy.” *Ex. 9.*

24. The “administrative proceeding” actually requires the filing of an arbitration proceeding, with a professional arbitration association that is not affiliated with ICANN.

25. Seeking to avoid litigation, the Plaintiff sent NamePal an email, suggesting that the matter be “worked out,” *i.e.*, that the Plaintiff would pay for the domain name. *Ex. 10.*

26. The response was a form, sent two minutes after the request of the Plaintiff to settle, that did not address any of the issues raised. *See Ex. 11.*

27. Evincing a lack of understanding of the ICANN arbitration process, and Mr. Young’s business and professional situation, Sam [PUT IN HIS LAST NAME] of NamePal wrote an email on December 11, 2015, incorrectly suggesting that filing a complaint with ICANN would “force [NamePal] to push the domain to your Namepal account.” *Ex. 12.*



28. Mr. Young does not have an account with NamePal.

29. On December 17, 2015, Mr. Young tried to resolve the matter once again, raising an analogy with “instagram.” *Ex. 13.*

30. On or about December 23, 2015, NamePal sent an email, addressing “instagram” analogy. *Ex. 14.*

31. The email once again directed the reader to something labeled as “Registry Registrant ID.” *Ex. 14.*

32. The information provided that supposedly is the “Registrant Registrant ID” is ambiguous. It could be “Registrar,” which was “DropWeek.com, Inc.” It could be “Registrar IANA ID,” which was “1078.” It could be “Registrant Name,” which is “Domain Administrator.” It could be “Registrant Organization,” which is “United Privacy Corp.” *See Ex. 14.*

33. Mr. Young received an email from Jay Weissman of NamePal, that was dated December 23, 2015. *Ex. 15.* This document contained the same ambiguous statements as are found in *Ex. 14.*

34. Mr. Young interpreted the contents Mr. Weissman’s letter as mandating that a demand to turn the domain name over should be addressed to DropWeek.com. *Ex. 15.*

35. The Plaintiff discovered that DropWeek.com, Inc. had the same street address, 6140 Tutt Boulevard, Suite 230, Colorado Springs, Colorado 80923, as NamePal.com, LLC

36. On December 23, 2015, the Plaintiff sent the demand to transfer the domain letter to DropWeek.com, Inc., NamePal.com, LLC, and the Registered Agent of NamePal.com, LLC, who is Argam Poghosian. *Ex. 16.*

37. The Plaintiff sent a copy of his December 23, 2015 demand letter, to Samuel Forest (“Sam”), as an email attachment. *Ex. 17.*

38. On December 24, 2015, an anonymous person at NamePal sent the the Plaintiff an email saying: “You are again confusing the registrar with the registrant. Dropweek is the registrar, which is an ICANN accredited registrar under the NamePal.com platform. All registrars must be independently registered companies in order to be accredited.” *Ex. 18.*

39. This statement is unintelligible.

40. NamePal email also stated: “I have previously provided you with the registrant, who is the legal owner of the domain name, so that you may contact them in regards to this.” *Ex. 18.* He also asserted: “We would advise sending an email to their address, which was also listed in the previous attachment under ‘Registrant Email.’” *Ibid.*

41. On December 27, 2015, the Plaintiff sent Sam Forest, an email, asking for the name of the entity that registered the “mixona” domain name.

*Ex. 19.*

42. On December 29, 2015, an anonymous person from NamePal wrote an email, asserting that the owner of the Mixona domain name “is listed in the public whois information under registrant.” *Ex. 20.*

43. In keeping with the obfuscatory emails that emanate from NamePal, the information provided has at least two entities that could be listed as being “under registrant.” *Ex. 20.*

44. One is “Domain Administrator,” listed under “Registrant Name.” *Ex. 20.*

45. The other is “United Privacy Corp.,” listed under “Registrant Organization.” *Ex. 20.*

46. It should be noted that words after “Registrant Organization” are actually: “United Privacy Corp Registrant Street.” *Ex. 20.*

47. It should also be noted that after the words “Registrant Street” are “P.O. Box #2.” *Ex. 20.*

48. A Post Office Box is not a street address.

49. On December 29, 2015, the Plaintiff sent Sam Forest an email, asking “[is the name of the registrant ‘Domain Administrator,’ ‘United Privacy Corp.’ or something else?” *Ex. 21*.

50. United Privacy Corp., a/k/a UnitedPrivacy.com, is an organization whose express purpose is to conceal the true identities of the owners of domain names. *See Ex. 22*.

51. UnitedPrivacy.com advertises that they can “protect your e-mail and identity.” *Ex. 22*. They advertise that they can afford customers “private registration.” *See ibid*. They advertise: “United Privacy was designed to protect your mailbox and your identity.” *Ibid*.

52. UnitedPrivacy.com says: “But a private registration with UnitedPrivacy will protect your personal information and your data won’t be displayed on public Whois pages. We allow you to control who can reach you!” *Ex. 22*.

53. The UnitedPrivacy.com website is “powered by Namepal.com (<http://www.namepal.com>) Website Builder.” *Ex. 22*.

54. On December 29, 2015, the Plaintiff wrote to “[admin@unitedprivacy.com](mailto:admin@unitedprivacy.com),” asking if United Privacy was the owner of the Mixona domain name, or whether some other entity or person was. *Ex. 23*. Also

sought was the name of the person or entity, their physical address, and their email. *Ibid*:

55. There has been no response to this email inquiry.

56. On December 30, 2015, the Plaintiff wrote again to “Sam and the NamePal Support Team,” inquiring: PLEASE just tell me who is the ACTUAL owner/registrant of the domain name is, so I don’t have to get it through discovery in civil court.” *Ex. 24*.

57. There has been no response to this email inquiry.

**AS AND FOR A FIRST CAUSE OF ACTION:**  
**VIOLATION OF THE ANTICYBERSQUATTING CONSUMER**  
**PROTECTION ACT OF 1999, 15 U.S.C. § 1125(D)**  
**(PLENARY JURISDICTION).**

58. The Plaintiff repeats and re-alleges all of the statements above, as if set forth verbatim and at length.

59. The Defendants are in derogation of the Anticybersquatting Consumer Protection Act of 1999, 15 U.S.C. § 1125(d).

60. The Plaintiff and his wife (hereinafter “Plaintiff”) has registered, and owns, the trademark, “Mixona,” within the meaning of 15 U.S.C. § 1125(d)(1)(A).

61. The Defendants have registered www.mixona.com as an internet domain name, which identical to the “Mixona” mark registered by the Plaintiff and his wife, within the meaning of 15 U.S.C. §§ 1125(d)(1)(A)(ii) and 1125(d)(1)(A)(ii)(I).

62. The Defendants have, in bad faith, attempted to profit from the domain name, and/or have refused to transfer it to the Plaintiff who is the rightful owners, in violation of 15 U.S.C. § 1125(d)(1)(A)(i).

63. The Plaintiff possesses plenary rights to the “Mixona” mark, within the meaning of 15 U.S.C. § 1125(d)(1)(B)(i)(I).

64. Upon information and belief, the Defendants have a prior history of registering as domain names trademarks and service marks that are rightfully owned by other people or entities, in violation of 15 U.S.C. § 1125(d)(1)(B)(i)(VI).

65. The Defendants have played, and are playing, a shell game, attempting to conceal the true registrant of the www.mixona.com internet domain name, by the use of an entity, “United Privacy,” and/or “United Privacy Corp.,” and/or UnitedPrivacy.com, and/or www.unitedprivacy.com, as a shill and a strawman for Defendants Mystery Domain Name Owner(s) (Fictitious Names, No’s 1-10), and are in derogation of 15 U.S.C. § 1125(d)(1)(B)(i)(VII).

66. The Mixona mark is distinctive, within the meaning of 15 U.S.C. § 1125(d)(1)(B)(i)(IX).

67. The Court is asked to order the transfer of the www.mixona.com internet domain name to the Plaintiff, pursuant to 15 U.S.C. § 1125(d)(1)(C).

68. The Court is asked to award damages at law to the Plaintiff, 15 U.S.C. § 1125(a), and the common law.

**AS AND FOR A SECOND CAUSE OF ACTION:**  
**VIOLATION OF THE ANTICYBERSQUATTING CONSUMER**  
**PROTECTION ACT OF 1999, 15 U.S.C. § 1125(D)**  
**(IN REM JURISDICTION).**

69. The Plaintiff repeats and re-alleges all of the statements above, as if set forth verbatim and at length.

70. The Court possesses *in rem* jurisdiction over the internet domain name, www.mixona.com, pursuant to 15 U.S.C. § 1125(d)(2)(A).

71. In the event that the Plaintiff and his wife (“Plaintiff”) is not able to obtain personal jurisdiction over any or all of the Defendants, the Plaintiff respectfully invokes *in rem* jurisdiction, pursuant to 15 U.S.C. § 1125(d)(2)(A)(ii).

72. The Plaintiff registered the trademark, “Mixona,” with the United States Patent and Trademark office, pursuant to 15 U.S.C. 1125(d)(2)(A)(i).

73. The Mixona mark is also protected pursuant to 15 U.S.C. § 1125(a).

74. The Defendants are noticed that, pursuant to 15 U.S.C. §§ 1125(d)(2)(D)(i)(I) & (II), upon receipt of written notification of a true *filed* and *stamped* copy of this complaint, the domain name registrar, domain name registry, or other domain name authority shall expeditiously deposit with the Court documents sufficient to establish the Court’s control and authority regarding the disposition of the registration and the use of the domain name to the Court, and



not transfer, suspend, or otherwise modify the domain name during the pendency of the action, except upon order of the Court.

WHEREFORE, the Plaintiff, DON YOUNG, whose formal name is DONG WAN YANG, requests and demands judgment against the Defendants, NAME PAL.COM, LLC, UNITED PRIVACY CORP., MYSTERY DOMAIN NAME OWNER(S) (FICTITIOUS NAMES, NO. 1-10), JOHN DOES (FICTITIOUS NAMES, NO'S 1-50) and XYZ COMPANIES (FICTITIOUS NAMES, NO'S 1-50), jointly, severally and/or individually, for the following relief:

A) For an Order requiring the Defendants to forthwith transfer the rights to the use of the domain name, "www.mixona.com," also known as "mixona.com," to the Plaintiff, or to take any and all actions and measures with any organization or agency, including, but not limited to, the Internet Corporation for Assigned Names and Numbers (ICANN), to effectuate the transfer of the aforesaid domain name to the Plaintiff;

B) For compensatory damages at law, both direct and consequential.

C) For punitive damages, for acting in bad faith and playing a "shell" game using a shill and straw man, and for diverse other reasons.

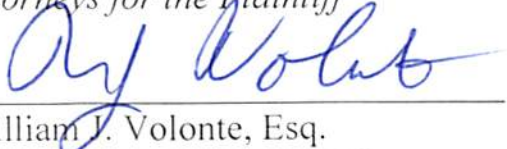
- D) For a reasonable counsel fee, as permitted by statute, regulation or the common law;
- E) For costs of suit;
- F) For pre-judgment and post-judgment interest; and
- G) For other such relief as the Court may deem to be necessary and proper, in the interest of justice.

Dated: Fort Lee, New Jersey  
January 5<sup>th</sup>, 2016

Respectfully submitted,

KIM & BAE, P. C.  
*Attorneys for the Plaintiff*

By:

  
\_\_\_\_\_  
William J. Volonte, Esq.  
Attorney ID No.: WV-5283  
2160 North Central Road, Suite 303  
Fort Lee, New Jersey 07024  
Tel.: 201.585.2288, ext. 206  
Email: [wvolonte@kimbae.com](mailto:wvolonte@kimbae.com)

-and-

110 East 59<sup>th</sup> Street, 22<sup>nd</sup> Floor  
New York, New York 10022  
Tel.: 212.319.6888

**RULE 7.1 CERTIFICATION**

Pursuant to *Fed. R. Civ. P. 7.1*, and to enable District Judges and Magistrate Judges of the Court to evaluate possible disqualification or recusal, the undersigned, counsel for the Plaintiff, certifies as follows: the Plaintiff, Don Young, whose formal name is Dong Wan Yang, is a private individual, and not a corporation. However, the Plaintiff is the President of a company named Merchant Coterie, Inc., a corporation of the State of New York, which maintains its principal place of business at 244 Fifth Avenue, Suite D274, New York, New York 10001.

Dated: Fort Lee, New Jersey  
January 5<sup>th</sup>, 2016

A handwritten signature in blue ink, appearing to read 'W. J. Volonte', is written over a horizontal line.

William J. Volonte, Esq.  
Attorney ID No.: WV-5283

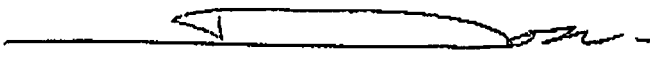
**DECLARATION OF VERIFICATION**

I, Don Young, the Plaintiff in the within action, upon penalty of perjury, hereby declare the following to be true:

1. I have read the within Verified Complaint.
2. The factual statements made in the Verified Complaint are true to the best of my knowledge, information and belief.
3. The legal allegations made in the Verified Complaint are consistent with my understanding of the facts of the case and the relief sought; however, I am not a lawyer, and of necessity I must rely on the advice of my attorneys in the field of law.

I declare under penalty of perjury that the foregoing is true and correct.

Executed in New York, New York  
on January 5, 2016.

  
\_\_\_\_\_  
Don Young

**COUNSEL'S DECLARATION OF  
VERIFICATION OF CLIENT'S SIGNATURE**

I, William J. Volonte, an attorney at law of the State of New York, duly admitted to practice before the Court, upon penalty of perjury, hereby declare the following to be true:

1. I know the signature attached to the Declaration of Verification, signed by Mr. Don Young on January 5, 2016, is his signature.
2. I know this because I have seen Mr. Young sign documents, and I know his signature.
3. I also sent Mr. Young a copy of the proposed Verified Complaint with the proposed Declaration of Verification, by way of an attachment to an email, and he sent it back to me, signed, by facsimile, to our regular office fax number.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed in Fort Lee, New Jersey  
on January 5, 2016.

  
\_\_\_\_\_  
William J. Volonte, Esq.

**EXHIBITS TO THE VERIFIED COMPLAINT,**  
**IN THE MATTER OF**  
**YOUNG V. NAMEPAL.COM, ET AL.**

# EXHIBIT 1



United States Patent and Trademark Office

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## MIXONA

<b>Word Mark</b>	MIXONA
<b>Goods and Services</b>	IC 025. US 022 039. G & S: clothing, namely, - shirts; pants; blouses; skirts; jackets; coats; suits [ ; and accessories, namely, - scarves, belts and gloves ]. FIRST USE: 20010203. FIRST USE IN COMMERCE: 20010621
	IC 035. US 100 101 102. G & S: retail store services featuring clothing and clothing accessories. FIRST USE: 20010203. FIRST USE IN COMMERCE: 20010621
<b>Mark Drawing Code</b>	(1) TYPED DRAWING
<b>Serial Number</b>	76150655
<b>Filing Date</b>	October 20, 2000
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	June 25, 2002
<b>Registration Number</b>	2743094
<b>Registration Date</b>	July 29, 2003
<b>Owner</b>	(REGISTRANT) CHUNG, HAI INDIVIDUAL UNITED STATES 262 Mott Street NEW YORK UNITED STATES 10012
	(REGISTRANT) YANG, DONG WAN A/K/A DON YOUNG INDIVIDUAL REPUBLIC OF KOREA NEW YORK NEW YORK NEW YORK 10012
<b>Assignment Recorded</b>	ASSIGNMENT RECORDED
	Peter Melamed



Attorney of  
Record  
Type of Mark TRADEMARK, SERVICE MARK  
Register PRINCIPAL  
Affidavit Text SECT 8 (6-YR), SECTION 8(10-YR) 20130817.  
Renewal 1ST RENEWAL 20130817  
Live/Dead  
Indicator LIVE

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## EXHIBIT 2



2160 North Central Road, Suite 303  
Bait Lee, NJ 07024

110 East 94th Street, 2nd Floor  
New York, NY 10022

Tel: (201) 261-1100 Fax: (201) 261-1101

Tel: (212) 692-1200 Fax: (212) 692-1201 Email: [info@kimandbae.com](mailto:info@kimandbae.com)

November 25, 2015

via UPS overnight delivery

Namepal, Inc.

3525 West Lake Mary Blvd., Suite 308

Lake Mary, FL 32746

Re: Mixona  
Our File No.: 1314J

Dear Sirs/Madams:

This office represents the interests of Don Young.

Mixona is a registered trademark, owned by Mr. Young, is currently registered with the United States Patent and Trademark Office, pursuant to the Lanham Trademark Act of 1946, 15 U.S.C. § 1051 *et seq.*

It was recently discovered that Namepal, Inc. ("Namepal") has created or appropriated a website named "www.mixona.com."

The use of the word "mixona" in the name of the website constitutes a significant infringement on Mr. Young's trademark rights, in violation of the Lanham Act, 15 U.S.C. §§ 1114 & 1125, the Federal Dilution Act of 1995, 15 U.S.C. § 1125(c), and the Anticybersquatting Consumer Protection Act of 1999, 15 U.S.C. § 1125(d); see also, Florida Trademark Act, Fla. Stat. § 495.001 *et seq.*; New York Trademark Act, McKinney's Gen. Bus. Law § 360 *et seq.* Namepal is intentionally trading on the good will of Mixona, by using a trademark that is the same. The actions of Namepal are unlawful and constitute unfair competition, intentional trademark infringement, trademark dilution, false designation of origin, and cybersquatting.

Please note that the Lanham Trademark Act, and the analogous state acts, provide numerous remedies for trademark infringement and dilution, including, but not limited to, a preliminary and permanent injunctive relief, monetary damages, including treble damages, disgorgement of a defendant's profits, and attorney's fees.



Namepal, Inc.  
November 25, 2015  
Page Two

Please accept this as a demand for Namepal to immediate cease and desist from any use of the Mixona mark, and to transfer the rights to the website [www.mixona.com](http://www.mixona.com) to Mr. Young.

Don Young prefers to resolve this matter without taking legal action, but he is prepared to take the appropriate legal action to protect his rights.

Attached is a copy of the letter, with an attestation that the measures set forth in the letter will be taken. Please return this to me no later than the close of business on **Thursday, December 3, 2015.**

Please of course feel free to contact me to discuss the matter in greater detail.

This letter is being sent in an attempt to amicably resolve the controversy, and is without prejudice to the rights of Don Young, which are expressly reserved.

Thank you.

Very truly yours,

KIM & BAE, P. C.

By:

A handwritten signature in dark ink, appearing to read 'W. J. Volonte', written over a horizontal line.

William J. Volonte

Attorney at Law

O: 201.585.2288, ext. 206

C: 201.780.4327

Email: [wvolonte@kimbae.com](mailto:wvolonte@kimbae.com)

WJV:ww

cc: Mr. Don Young

## EXHIBIT 3

**William Volonte**

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**From:** Namepal Customer Service <support@namepal.com>  
**Sent:** Wednesday, November 25, 2015 9:57 PM  
**To:** wvolonte@kimbae.com  
**Subject:** Re: Re: Domain Notice #961220 / TRADEMAKE VIOLATION - LEGAL ACTION

\*Dear 'William,'\*

Samuel Forest just logged a message to a ticket in which you participate.

Hi,

domain has been suspended, but you need to file a complaint at ICANN so we can give you this domain.

Once we get a note from ICANN to push this domain to your account, we will be able to do it.

Sam

---

You're getting this email because you are a collaborator on ticket [#203866][1]. To participate, simply reply to this email or [click here][2] for a complete archive of the ticket thread.

---

[1] <http://ticket.namepal.com/view.php?auth=c1xqgraaaerjyaaaVCxVkQFSFGMa7w%3D%3D>

[2] <http://ticket.namepal.com/view.php?auth=c1xqgraaaerjyaaaVCxVkQFSFGMa7w%3D%3D>

**EXHIBIT 4**

[Log In](#) [Sign Up](#)



[GET STARTED](#)

[NEWS & MEDIA](#)

[POLICY](#)

[PUBLIC COMMENT](#)

[RESOURCES](#)

[COMMUNITY](#)

## Registry Complaint Form

This form allows Internet users to submit a complaint to ICANN regarding registry services. The information provided to ICANN via the complaint forms may be forwarded to the contracted party. To remain anonymous, please request in the comment box.

[Items with an asterisk (\*) are required]

Name \*

William J. Voionte, Attorney at Law

Organization (if any)

Kim & Bae, P.C.

Email \*

wvoionte@kimbae.com

Telephone Number

(201) 585-2288, ext. 200

Top Level Domain (TLD) in question



www.mixon8.com

Registry Operator

Don Young

Please select the type of complaint (choose one) \*

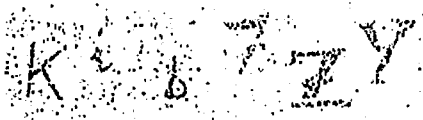
☐ Service Performance

☒ Other

Brief Description of Problem \*

I represent Mr. Don Young. He is the owner of the trademark "mixon8," which is registered with the U.S. Patent & Trademark Office. An organization named "namepal" permitted another person, other than Don Young, to set-up a website named "www.mixon8.com." This action

1131/2000 characters



Generate a new captcha

What code is in the image? \*

Kib7ZY

Enter the characters shown in the image

Submit



YouTube



Twitter



LinkedIn



Flickr



Facebook



Google+



WordPress

[Log In](#) | [Sign Up](#)[GET STARTED](#)[NEWS & MEDIA](#)[POLICY](#)[PUBLIC COMMENT](#)[RESOURCES](#)[COMMUNITY](#)

Thank you, your submission has been received

[Click here](#) to submit another

[YouTube](#)[Twitter](#)[LinkedIn](#)[Google+](#)[Facebook](#)[RSS Feeds](#)[WordPress Blog](#)[WordPress Blog](#)

# EXHIBIT 5



2160 North Central Road, Suite 303  
Fort Lee, NJ 07024

O: 201.585.2288 F: 201.585.2246

110 East 59th Street, 22nd Floor  
New York, NY 10022

212.319.6888 212.319.7539

Please reply to New Jersey office

November 30, 2015

Internet Corporation for Assigned  
Names and Numbers (ICANN)  
12025 Waterfront Drive, Suite 300  
Los Angeles, CA 90094-2536

Re: Owner: Don Young  
Domain Name: www.mixona.com  
Our File No.: 1314J

Dear Sirs/Madams:

This office represents the interests of Mr. Don Young. I am enclosing a copy of a complaint that was filed on November 30, 2015. The Complaint requests the transfer of the domain name, www.mixona.com, to Mr. Don Young. The company that registered the name, Namepal, Inc., has agreed to transfer the name. *See copy of email, from Sam Forest, dated November 25, 2015.*

I am enclosing a copy of my letter, dated November 25, 2015, to Namepal, Inc., that explains the situation.

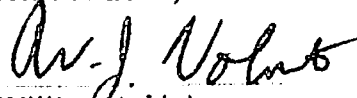
If you are in need of any further information, or if I may be of any assistance at all, please contact me.

Thank you for your time and attention

Very truly yours,

KIM & BAE, P. C.

By:

  
William J. Volonte

Attorney at Law

O: 201.585.2288, ext. 206

C: 201.780.4327

Email: wvolonte@kimbac.com

WJV:vv





Internet Corporation for Assigned  
Names and Numbers (ICANN)  
November 30, 2015  
Page Two

cc:

Don Young, President  
Merchant Coterie, Inc.  
244 Fifth Avenue, Suite D274  
New York, NY 10001-7604

Namepal, Inc.  
3525 West Lake Mary Blvd., Suite 308  
Lake Mary, FL 32746

[both, w/encl.]

EXHIBIT 6

## William Volonte

---

**From:** Jay Weissman <jay@namepal.com>  
**Sent:** Tuesday, December 1, 2015 11:06 AM  
**To:** wvolonte@kimbae.com  
**Subject:** MIXONA.COM

Hello,

We recently received a legal notice regarding a trademark for the domain MIXONA.COM on behalf of Mr. Don Young.

This cease and desist was addressed incorrectly to us, the registrar provider of the domain name MIXONA.COM

We are not the owners of this domain, we are the ICANN accredited registrar provider only. As such, we do not have the capability to make decisions based on trademark complaints.

Any complaints should be resolved directly with the owner of the domain. This information is accessible via the public WHOIS database system. Attached below is a copy of this information, the owner of the domain can be found under the data field "Registry Registrant".

Please let me know if I can be of any other assistance.

Thank you,

--

Jay Weissman  
COO - NamePal.com  
(407) 392-0395 Direct  
(407) 392-0381 Fax

-- Attachment --

Whois has started..

Whois Server Version 2.0

Domain names in the .com and .net domains can now be registered with many different competing registrars. Go to <http://www.internic.net> for detailed information.

Domain Name: MIXONA.COM  
Registrar: DROPWEEK.COM  
Sponsoring Registrar IANA ID: 1078  
Whois Server: whois.namepal.com  
Referral URL: <http://namepal.com>  
Name Server: LOCKED1.NAMEPAL.COM  
Name Server: LOCKED2.NAMEPAL.COM  
Status: clientTransferProhibited <http://www.icann.org/epp#clientTransferProhibited>  
Updated Date: 26-nov-2015  
Creation Date: 01-nov-2015

Expiration Date: 01-nov-2016

>>> Last update of whois database: Tue, 01 Dec 2015 14:15:24 GMT <<<

For more information on Whois status codes, please visit  
<https://www.icann.org/resources/pages/epp-status-codes-2014-06-16-en>.

NOTICE: The expiration date displayed in this record is the date the registrar's sponsorship of the domain name registration in the registry is currently set to expire. This date does not necessarily reflect the expiration date of the domain name registrant's agreement with the sponsoring registrar. Users may consult the sponsoring registrar's Whois database to view the registrar's reported date of expiration for this registration.

TERMS OF USE: You are not authorized to access or query our Whois database through the use of electronic processes that are high-volume and automated except as reasonably necessary to register domain names or modify existing registrations; the Data in VeriSign Global Registry Services' ("VeriSign") Whois database is provided by VeriSign for information purposes only, and to assist persons in obtaining information about or related to a domain name registration record. VeriSign does not guarantee its accuracy. By submitting a Whois query, you agree to abide by the following terms of use: You agree that you may use this Data only for lawful purposes and that under no circumstances will you use this Data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via e-mail, telephone, or facsimile; or (2) enable high volume, automated, electronic processes that apply to VeriSign (or its computer systems). The compilation, repackaging, dissemination or other use of this Data is expressly prohibited without the prior written consent of VeriSign. You agree not to use electronic processes that are automated and high-volume to access or query the Whois database except as reasonably necessary to register domain names or modify existing registrations. VeriSign reserves the right to restrict your access to the Whois database in its sole discretion to ensure operational stability. VeriSign may restrict or terminate your access to the Whois database for failure to abide by these terms of use. VeriSign reserves the right to modify these terms at any time.

The Registry database contains ONLY .COM, .NET, .EDU domains and Registrars.

Domain Name: MIXONA.COM  
Registry Domain ID: 1974021233\_DOMAIN\_COM-VRSN  
Registrar WHOIS Server: whois.namepal.com  
Registrar URL: <http://namepal.com>  
Updated Date: 2015-12-01T09:15:44Z  
Creation Date: 2015-11-01T00:00:00Z  
Registrar Registration Expiration Date: 2016-11-01T00:00:00Z  
Registrar: DropWeek.com, Inc.  
Registrar IANA ID: 1078  
Registrar Abuse Contact Email: [abuse@namepal.com](mailto:abuse@namepal.com)  
Registrar Abuse Contact Phone: +1.720.921.8850  
Domain Status: clientTransferProhibited  
Registry Registrant ID:  
Registrant Name: Domain Administrator  
Registrant Organization: United Privacy Corp  
Registrant Street: P.O. Box #2  
Registrant City: Belize City  
Registrant State/Province: Belize  
Registrant Postal Code:  
Registrant Country: BZ  
Registrant Phone: +501.2230114



Registrant Phone Ext:  
Registrant Fax:  
Registrant Fax Ext:  
Registrant Email:mixona.com@unitedprivacy.com  
Registry Admin ID:  
Admin Name: Domain Administrator  
Admin Organization: United Privacy Corp  
Admin Street: P.O. Box #2  
Admin City: Belize City  
Admin State/Province: Belize  
Admin Postal Code:  
Admin Country: BZ  
Admin Phone: +501.2230114  
Admin Phone Ext:  
Admin Fax:  
Admin Fax Ext:  
Admin Email:mixona.com@unitedprivacy.com  
Registry Tech ID:  
Tech Name: Domain Administrator  
Tech Organization: United Privacy Corp  
Tech Street: P.O. Box #2  
Tech City: Belize City  
Tech State/Province: Belize  
Tech Postal Code:  
Tech Country: BZ  
Tech Phone: +501.2230114  
Tech Phone Ext:  
Tech Fax:  
Tech Fax Ext:  
Tech Email:mixona.com@unitedprivacy.com  
Name Server: LOCKED1.NAMEPAL.COM  
Name Server: LOCKED2.NAMEPAL.COM  
DNSSEC: unsigned  
URL of the ICANN WHOIS Data Problem Reporting System: <http://wdprs.internic.net/>  
Last update of WHOIS database: 2015-12-01T09:15:44Z

**EXHIBIT 7**

>> will  
> be able to do it.  
>>  
>> Sam  
Jaym,

William J. Volonte | Associate



**KIM & BAE, P.C.**  
ATTORNEYS AT LAW

2160 North Central Road, Suite 303, Fort Lee, NJ 07024  
T (201) 585-2288-Direct Ext: 206 | F (201) 585-2246

[wvolonte@KimBae.Com](mailto:wvolonte@KimBae.Com) | [WWW.KimBae.Com](http://WWW.KimBae.Com)

110 E. 59th Street, 22nd FL, New York, NY 10022  
T (212) 319-6888

**From:** Jay Weissman [<mailto:jay@namepal.com>]  
**Sent:** Tuesday, December 1, 2015 11:06 AM  
**To:** [wvolonte@kimbae.com](mailto:wvolonte@kimbae.com)  
**Subject:** MIXONA.COM

Hello,

We recently received a legal notice regarding a trademark for the domain MIXONA.COM on behalf of Mr. Don Young.

This cease and desist was addressed incorrectly to us, the registrar provider of the domain name MIXONA.COM

We are not the owners of this domain, we are the ICANN accredited registrar provider only. As such, we do not have the capability to make decisions based on trademark complaints.

Any complaints should be resolved directly with the owner of the domain. This information is accessible via the public WHOIS database system. Attached below is a copy of this information, the owner of the domain can be found under the data field "Registry Registrant".

Please let me know if I can be of any other assistance.

Thank you,

--

Jay Weissman  
COO - NamePal.com  
(407) 392-0395 Direct  
(407) 392-0381 Fax

-- Attachment --

Whois has started...

Whois Server Version 2.0

Domain names in the .com and .net domains can now be registered with many different competing registrars. Go to <http://www.internic.net> for detailed information.

Domain Name: MIXONA.COM  
Registrar: DROPWEEK.COM  
Sponsoring Registrar IANA ID: 1078  
Whois Server: whois.namepal.com  
Referral URL: <http://namepal.com>  
Name Server: LOCKED1.NAMEPAL.COM  
Name Server: LOCKED2.NAMEPAL.COM  
Status: clientTransferProhibited  
<http://www.icann.org/epp/clientTransferProhibited>  
Updated Date: 26-nov-2015  
Creation Date: 01-nov-2015  
Expiration Date: 01-nov-2016

>>> Last update of whois database: Tue, 01 Dec 2015 14:15:24 GMT <<<

For more information on Whois status codes, please visit  
<https://www.icann.org/resources/pages/epp-status-codes-2014-06-16-en>.

NOTICE: The expiration date displayed in this record is the date the registrar's sponsorship of the domain name registration in the registry is currently set to expire. This date does not necessarily reflect the expiration

date of the domain name registrant's agreement with the sponsoring registrar. Users may consult the sponsoring registrar's Whois database to view the registrar's reported date of expiration for this registration.

TERMS OF USE: You are not authorized to access or query our Whois database through the use of electronic processes that are high-volume and automated except as reasonably necessary to register domain names or modify existing registrations; the Data in VeriSign Global Registry Services' ("VeriSign") Whois database is provided by VeriSign for information purposes only, and to assist persons in obtaining information about or related to a domain name registration record. VeriSign does not guarantee its accuracy. By submitting a Whois query, you agree to abide by the following terms of use: You agree that you may use this Data only for lawful purposes and that under no circumstances will you use this Data to: (1) allow, enable, or otherwise support the transmission of mass unsolicited, commercial advertising or solicitations via e-mail, telephone, or facsimile; or (2) enable high volume, automated, electronic processes that apply to VeriSign (or its computer systems). The compilation, repackaging, dissemination or other use of this Data is expressly prohibited without the prior written consent of VeriSign. You agree not to use electronic processes that are automated and high-volume to access or query the Whois database except as reasonably necessary to register domain names or modify existing registrations. VeriSign reserves the right to restrict your access to the Whois database in its sole discretion to ensure operational stability. VeriSign may restrict or terminate your access to the Whois database for failure to abide by these terms of use. VeriSign reserves the right to modify these terms at any time.

The Registry database contains ONLY .COM, .NET, .EDU domains and Registrars.

Domain Name: MIXONA.COM

Registry Domain ID: 1974021233\_DOMAIN\_COM-VRSN  
Registrar WHOIS Server: whois.namepal.com  
Registrar URL: <http://namepal.com>  
Updated Date: 2015-12-01T09:15:44Z  
Creation Date: 2015-11-01T00:00:00Z  
Registrar Registration Expiration Date: 2016-11-01T00:00:00Z  
Registrar: DropWeek.com, Inc.  
Registrar IANA ID: 1078  
Registrar Abuse Contact Email: [abuse@namepal.com](mailto:abuse@namepal.com)  
Registrar Abuse Contact Phone: +1.720.921.8850  
Domain Status: clientTransferProhibited  
Registry Registrant ID:  
Registrant Name: Domain Administrator  
Registrant Organization: United Privacy Corp  
Registrant Street: P.O. Box #2  
Registrant City: Belize City  
Registrant State/Province: Belize  
Registrant Postal Code:  
Registrant Country: BZ  
Registrant Phone: +501.2230114  
Registrant Phone Ext:  
Registrant Fax:  
Registrant Fax Ext:  
Registrant Email: [mixona.com@unitedprivacy.com](mailto:mixona.com@unitedprivacy.com)  
Registry Admin ID:  
Admin Name: Domain Administrator  
Admin Organization: United Privacy Corp  
Admin Street: P.O. Box #2  
Admin City: Belize City  
Admin State/Province: Belize  
Admin Postal Code:  
Admin Country: BZ  
Admin Phone: +501.2230114  
Admin Phone Ext:  
Admin Fax:  
Admin Fax Ext:  
Admin Email: [mixona.com@unitedprivacy.com](mailto:mixona.com@unitedprivacy.com)  
Registry Tech ID:  
Tech Name: Domain Administrator  
Tech Organization: United Privacy Corp  
Tech Street: P.O. Box #2  
Tech City: Belize City  
Tech State/Province: Belize  
Tech Postal Code:  
Tech Country: BZ  
Tech Phone: +501.2230114  
Tech Phone Ext:  
Tech Fax:  
Tech Fax Ext:  
Tech Email: [mixona.com@unitedprivacy.com](mailto:mixona.com@unitedprivacy.com)  
Name Server: LOCKED1.NAMEPAL.COM  
Name Server: LOCKED2.NAMEPAL.COM  
DNSSEC: unsigned  
URL of the ICANN WHOIS Data Problem Reporting System:  
<http://wdprs.internic.net/>  
Last update of WHOIS database: 2015-12-01T09:15:44Z

# EXHIBIT 8

## William Volonte

---

**From:** Jay Weissman <jay@namepal.com>  
**Sent:** Tuesday, December 1, 2015 12:56 PM  
**To:** William Volonte  
**Subject:** Re: MIXONA.COM

Hi Bill,

While the domain is in suspended status with us, this suspension was not related to your complaint with us. As such, the original owner will still be able to recover and use the domain again should they choose to do so.

In regards to the suggestion by Samuel, this would be regarding the alternative ICANN UDRP process. If decided in your favor, we would transfer the domain over to your party. More information on the ICANN UDRP process can be found at <https://www.icann.org/resources/pages/help/dndr/udrp-en>

Thanks,

Jay Weissman  
COO - NamePal.com  
(407) 392-0395 Direct  
(407) 392-0381 Fax

On 12/1/15 11:33 AM, William Volonte wrote:

Jay,

Don Young received the following email from Samuel Forest.

Bill

-----Original Message-----

>> From: Namepal Customer Service [<mailto:support@namepal.com>]  
>> Sent: Wednesday, November 25, 2015 9:57 PM  
>> To: [wvolonte@kimbae.com](mailto:wvolonte@kimbae.com)  
>> Subject: Re: Re: Domain Notice #961220 / TRADEMAKE VIOLATION - LEGAL  
>> ACTION  
>>  
>> \*Dear 'William,'  
>> -----  
>>  
>> Samuel Forest just logged a message to a ticket in which you participate.  
>>  
>> Hi,  
>>  
>> domain has been suspended, but you need to file a complaint at ICANN  
>> so we  
> can give you this domain.  
>>  
>> Once we get a note from ICANN to push this domain to your account, we

# EXHIBIT 9



## William Volonte

---

**From:** Compliance Tickets <compliance-tickets@icann.org>  
**Sent:** Tuesday, December 1, 2015 10:30 PM  
**To:** wvolonte@kimbae.com  
**Subject:** [~RQQ-745-24082]: Registry Other complaint re: www.mixona.com closed

Dear William J. Volonte, Attorney at Law,

Thank you for submitting a Registry Other complaint concerning the top-level domain www.mixona.com . ICANN has reviewed and closed your complaint because:

- This complaint is outside of the scope of the registry's Registry Agreement. Your complaint implicates a private dispute between you and a third party. ICANN's authority is purely contractual and limited to its contracted parties. These are some alternatives that you can consider for obtaining a domain name that someone else has registered: (1) Work out an agreement with the current registrant; (2) Wait and see if the current registrant lets the domain name expire; (3) File a lawsuit in the appropriate court against the current registrant; and/or (4) Begin an administrative proceeding under the Uniform Domain-Name Dispute-Resolution Policy. For more details on this option please go to <http://www.icann.org/en/help/dndr/udrp> .

ICANN considers this matter now closed. If you require future assistance, please submit a new complaint to ICANN at <http://www.icann.org/resources/compliance/complaints> .

Please do not reply to this email (replies to closed complaints are not monitored by ICANN staff).

ICANN is requesting your feedback on this closed complaint. Please complete this optional survey at <https://www.surveymonkey.com/s/8F2Z6DP> .

Sincerely,

ICANN Contractual Compliance

#####

### The problem summary

Reporter Name: William J. Volonte, Attorney at Law  
Reporter Email: [wvolonte@kimbae.com](mailto:wvolonte@kimbae.com)  
Reporter Organization: Kim & Bae, P.C.  
Reporter Telephone Number: 201 585 2288  
Domain name was not provided.

Time of submission/processing: Mon Nov 30 17:12:33 2015

Complaint type: Other

Top Level Domain (TLD) in question: www.mixona.com

Registry Operator: Don Young

Description: I represent Mr. Don Young. He is the owner of the trademark "mixona," which is registered with the U.S. Patent & Trademark Office. An organization named "namepal" permitted another person, other than Don Young, to set-up a website named "www.mixona.com." This action violates the Lanham Trademark Act, 15 U.S.C. §§ 1114 & 1125; the Federal Dilution Act of 1995, 15 U.S.C. § 1125(c), the

Anticybersquatting Consumer Protection Act of 1999, 15 U.S.C. § 1125(d); the Florida Trademark Act, Fla. Stat. § 495.001 et seq., and the New York Trademark Act, McKinney's Gen. Bus. Law § 360 et seq. Namepal, Inc., has agreed to suspend the use of the website by the infringer. Please accept this as a request and demand to transfer the [www.mixon.com](http://www.mixon.com) address to Mr. Don Young.

Please feel free to contact me about this matter. If you need any additional information, I will be happy to supply it to you.

Thank you.

\s\ Wm. J. Volonte

William J. Volonte, Esq.  
Kim & Bae, P.C.  
2160 North Central Road, Suite 303  
Fort Lee, NJ 07024  
Tel.: 201.585.2288, ext. 206  
Fax: 201.585.2246  
email: [wvolonte@kimbae.com](mailto:wvolonte@kimbae.com)

#####

#### Ticket Details

Ticket ID: RQQ-745-24082  
Department: Registry Other  
Type: Issue  
Status: Manual Process  
Priority: Normal

Helpdesk: <https://compliance-ticket.icann.org/index.php?>

IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any transaction or matter addressed herein.

# EXHIBIT 10

**William Volonte**

---

**From:** William Volonte <wvolonte@kimbae.com>  
**Sent:** Friday, December 11, 2015 12:23 PM  
**To:** support@namepal.com  
**Cc:** don@merchantcoterie.com; wvolonte@kimbae.com  
**Subject:** Mixona.com

Sam,

Regarding transferring the mixona.com domain name to Don Young, the owner of the registered Mixona trademark, I contacted ICANN, but it does not seem to me that any type of formal approval must be obtained from them if the owner wants to transfer it.

Can we work something out?

Please contact me as soon as you are able.

Thank you.

Bill Volonte

Tel.: 201.585.2288, ext. 206.

Cell: 201.780.4327

Email: [wvolonte@kimbae.com](mailto:wvolonte@kimbae.com)

cc: Don Young.

William J. Volonte | Associate



**KIM & BAE, P.C.**  
ATTORNEYS AT LAW

2160 North Central Road, Suite 303, Fort Lee, NJ 07024  
T (201) 585-2288-Direct Ext: 206 | F (201) 585-2246

[wvolonte@KimBae.Com](mailto:wvolonte@KimBae.Com) | [WWW.KimBae.Com](http://WWW.KimBae.Com)

110 East 59th Street, 22nd FL., New York, NY 10022  
T (212) 319-6888

This message is attorney privileged and confidential information and is transmitted for the exclusive information and use of the addressee. Please notify the sender by email if you are not the intended recipient. If you are not the intended recipient, you may not copy, disclose, or distribute this message or its contents to any other person and any such actions may be unlawful. Please note that this law firm does not accept time sensitive or action-oriented messages via email. We further reserve the right to monitor and review the content of all messages sent to or from this email address. Messages sent to or from this email address may be stored on the law firm email system.

# EXHIBIT 11

## William Volonte

---

**From:** Namepal Customer Service <support@namepal.com>  
**Sent:** Friday, December 11, 2015 12:25 PM  
**To:** wvolonte@kimbae.com  
**Subject:** Namepal.com: we have received your question! #561810 (Mixona.com)

Hello,

Thank you for contacting Namepal customer service!

We have received your email and will do our best to respond back as quickly as possible.

In the meantime, please check the answers to some of the most frequently asked questions below.

**1) WHY DID I RECEIVE A "FRAUDENT TRANSACTION DETECTED" MESSAGE AT CHECKOUT?**

**Solution:** Unfortunately this means that our system flagged your account as high risk. This can be due to many factors. While you wait for a response from our team, you may wish to double check your billing information or try another payment method.

--

**2) I AM INTERESTED IN A DOMAIN REGISTERED WITH YOU, IS IT FOR SALE?**

**Solution:** While we are the registrar for the domain name, we are not the owners. If someone is interested in selling their domain name, they will often place the domain on a parking page with sales information. If there is no parking page, we would suggest you send an email to the address listed in the owners WHOIS information. There is very little we can do to assist in the sale of a domain unless it is listed on our auction platform.

--

**3) WHY AM I NOT ABLE TO TRANSFER OUT MY DOMAIN NAME WITHIN 60 DAYS OF REGISTRATION?**

**Solution:** Unfortunately, your domain name cannot be transferred until it has been registered with us for a minimum of 60 days. This is an ICANN policy which every registrar has to follow.

--

**4) WHY DOES MY DOMAIN SHOW A SUSPENSION LOCK HAS BEEN SET AFTER A RECENT WHOIS CHANGE?**

**Solution:** To remove the lock, you will need to click on the link in the e-mail we have sent you after you have changed your WHOIS. Due to ICANN policy changes we are now required to suspend your domain name after 15 days of non-reply to a new whois address. If for any reason you can not reply to this email, please let support know to resend it to you, or you may change your email back to the original whitelisted address. Once you have verified an email, it can be used for any domain without verifying again in the future.

--

**5) WHY DOES MY DOMAIN SHOW AN EPP OR TRANSFER LOCK?**

**Solution:** If you would like for us to remove a security lock, you will need to contact us from the e-mail address you use to login to your Namepal account, then let us know your Namepal PIN code and the domain name you wish to unlock. You may also unlock your domain at anytime while logged into your namepal control panel.

We hope you find the information above useful, and thank you for your patience while waiting for a reply!

Kind regards,

NamePal Support  
Ph: (407) 329-3297

---

At Namepal.com you can:

Register or renew your .com domains for \$9.59 only!

Check out our latest auctions and grab your favorite domain from \$14.59!

You can create a professional looking website by yourself easy, fast and for FREE!



# EXHIBIT 12

**William Volonte**

---

**From:** Namepal Customer Service <support@namepal.com>  
**Sent:** Friday, December 11, 2015 12:37 PM  
**To:** wvolonte@kimbae.com  
**Subject:** Re: Mixona.com #561810

Hi William,

did you file an UDRP? This will force us to push the domain to your Namepal account.

<https://www.icann.org/resources/pages/help/dndr/udrp-en>

It is free so please give a try. Once we have it ICANN will contact the current domain owner (we are obligated to give ICANN domain owner data) and once notification sent, we will also push the domain to your account.

Let me know how is it going!

Sam

---

At Namepal.com you can:

Register or renew your .com domains for \$9.59 only!

Check out our latest auctions and grab your favorite domain from \$14.59!

You can create a professional looking website by yourself easy, fast and for FREE!

# EXHIBIT 13

## William Volonte

---

**From:** Namepal Customer Service <support@namepal.com>  
**Sent:** Thursday, December 17, 2015 2:15 PM  
**To:** wvolonte@kimbae.com  
**Subject:** Re: Mixona.com

\*Dear 'William,'\*

just logged a message to a ticket in which you participate.

Hi Sam,

Thank you for your email.

As the last email our attorney (Mr. William Volonte) has sent you, ICANN has confirmed to our attorney that your don't need any documentations or mandate from ICANN for you to forward the domain to us as we have already notified you of our the illegal usage of our trademark.

We are at the last step of the legal process to initiating our litigation against the company who has registered our domain (namepal), but we wanted to give you an opportunity to settle this litigation now by forwarding the domain for US \$100.00.

Please respond to us today about our offer. If we don't hear back from you today, we will start the litigation tomorrow.

FYI, instagram forwarded us the MIXONA instagram name that was being used by someone within 2 hours from receiving our email verifying our trademark.

Looking forward to hearing from you.

Best Regards,

Don Young  
646-710-0271

-----Original Message-----

**From:** Namepal Customer Service [mailto:support@namepal.com]  
**Sent:** Friday, December 11, 2015 12:37 PM  
**To:** don@merchantcoterie.com  
**Subject:** Re: Mixona.com

\*Dear Don,\*

Samuel Forest just logged a message to a ticket in which you participate.

Hi William,

did you file an UDRP? This will force us to push the domain to your Namepal account.

<https://www.icann.org/resources/pages/help/dndr/udrp-en>

It is free so please give a try. Once we have it ICANN will contact the current domain owner (we are obligated to give ICANN domain owner data) and once notification sent, we will also push the domain to your account.

Let me know how is it going!

Sam

-----

You're getting this email because you are a collaborator on ticket [#561810][1]. To participate, simply reply to this email or [click here][2] for a complete archive of the ticket thread.

-----  
[1] <http://ticket.namepal.com/view.php?auth=c1xw2raaadbkeaaagocnJsrfz1youA%3D%3D>

[2] <http://ticket.namepal.com/view.php?auth=c1xw2raaadbkeaaagocnJsrfz1youA%3D%3D>

-----

You're getting this email because you are a collaborator on ticket [#561810][1]. To participate, simply reply to this email or [click here][2] for a complete archive of the ticket thread.

-----  
[1] <http://ticket.namepal.com/view.php?auth=o1xv3caaadbkeaaaAOw9JeGUKSexcA%3D%3D>

[2] <http://ticket.namepal.com/view.php?auth=o1xv3caaadbkeaaaAOw9JeGUKSexcA%3D%3D>

# EXHIBIT 14

## William Volonte

---

**From:** Namepal Customer Service <support@namepal.com>  
**Sent:** Wednesday, December 23, 2015 9:35 AM  
**To:** wvolonte@kimbae.com  
**Subject:** Re: Mixona.com #561810

Hello,

The reason that instagram was able to do this is because a profile on instagram is owned by instagram. This is different from a domain name, which has a real world value and is treated as property. In this case, the whois registrant is the owner of this property.

Namepal.com is the service provider of this domain only and we have no legal ownership over it. Under safe harbor law we are protected as a service provider and our customers are expected not to register in bad faith. We do not inject ourselves into domain disputes and refer you instead to ICANN UDRP or other legal alternatives to resolve these issues.

I will attach to you the whois registrant below, so that you may litigate against the correct party. Please note that this data is located under "Registry Registrant ID:"

Thanks,  
NamePal Support Team

----- Attachment -----

Domain Name: MIXONA.COM  
Registry Domain ID: 1974021233\_DOMAIN\_COM-VRSN Registrar WHOIS Server: whois.namepal.com Registrar URL: <http://namepal.com> Updated Date: 2015-12-23T09:16:20Z Creation Date: 2015-11-01T00:00:00Z Registrar Registration Expiration Date: 2016-11-01T00:00:00Z  
Registrar: DropWeek.com, Inc.  
Registrar IANA ID: 1078  
Registrar Abuse Contact Email: [abuse@namepal.com](mailto:abuse@namepal.com) Registrar Abuse Contact Phone: +1.720.921.8850 Domain Status: clientTransferProhibited Registry Registrant ID:  
Registrant Name: Domain Administrator  
Registrant Organization: United Privacy Corp Registrant Street: P.O. Box #2 Registrant City: Belize City Registrant State/Province: Belize Registrant Postal Code:  
Registrant Country: BZ  
Registrant Phone: +501.2230114  
Registrant Phone Ext:  
Registrant Fax:  
Registrant Fax Ext:  
Registrant Email: [mixona.com@unitedprivacy.com](mailto:mixona.com@unitedprivacy.com)  
Registry Admin ID:  
Admin Name: Domain Administrator  
Admin Organization: United Privacy Corp  
Admin Street: P.O. Box #2  
Admin City: Belize City  
Admin State/Province: Belize  
Admin Postal Code:  
Admin Country: BZ  
Admin Phone: +501.2230114

Admin Phone Ext:

Admin Fax:

Admin Fax Ext:

Admin Email:mixona.com@unitedprivacy.com

Registry Tech ID:

Tech Name: Domain Administrator

Tech Organization: United Privacy Corp

Tech Street: P.O. Box #2

Tech City: Belize City

Tech State/Province: Belize

Tech Postal Code:

Tech Country: BZ

Tech Phone: +501.2230114

Tech Phone Ext:

Tech Fax:

Tech Fax Ext:

Tech Email:mixona.com@unitedprivacy.com

Name Server: LOCKED1.NAMEPAL.COM

Name Server: LOCKED2.NAMEPAL.COM

DNSSEC: unsigned

URL of the ICANN WHOIS Data Problem Reporting System: <http://wdprs.internic.net/> Last update of WHOIS database:

2015-12-23T09:16:20Z \_\_\_\_\_

At Namepal.com you can:

Register or renew your .com domains for \$9.59 only!

Check out our latest auctions and grab your favorite domain from \$14.59!

You can create a professional looking website by yourself easy, fast and for FREE!



# EXHIBIT 15

## William Volonte

---

**From:** Don Young <don@merchantcoterie.com>  
**Sent:** Wednesday, December 23, 2015 10:02 AM  
**To:** 'William Volonte'  
**Subject:** FW: Mixona.com

**Importance:** High

Good Morning Bill,

Below is the email I've received from Namepal.

Yes, we should send the demand notice to Dropweek.com most immediately.

Thank you so much for driving this important case for us.

Warm Regards,

Don Young  
Merchant Coterie  
[don@merchantcoterie.com](mailto:don@merchantcoterie.com)  
Direct : 646-710-0271  
Skype : donyoung1

-----Original Message-----

**From:** Namepal Customer Service [mailto:support@namepal.com]  
**Sent:** Wednesday, December 23, 2015 9:35 AM  
**To:** don@merchantcoterie.com  
**Subject:** Re: Mixona.com

\*Dear Don,\*

-----

Jay Weissman just logged a message to a ticket in which you participate.

Hello,

The reason that instagram was able to do this is because a profile on instagram is owned by instagram. This is different from a domain name, which has a real world value and is treated as property. In this case, the whois registrant is the owner of this property.

Namepal.com is the service provider of this domain only and we have no legal ownership over it. Under safe harbor law we are protected as a service provider and our customers are expected not to register in bad faith. We do not inject ourself into domain disputes and refer you instead to ICANN UDRP or other legal alternatives to resolve these issues.

I will attach to you the whois registrant below, so that you may litigate against the correct party. Please note that this data is located under "Registry Registrant ID:"

Thanks,

NamePal Support Team

----- Attachment -----

Domain Name: MIXONA.COM

Registry Domain ID: 1974021233\_DOMAIN\_COM-VRSN Registrar WHOIS Server: whois.namepal.com Registrar URL: <http://namepal.com> Updated Date: 2015-12-23T09:16:20Z Creation Date: 2015-11-01T00:00:00Z Registrar Registration

Expiration Date: 2016-11-01T00:00:00Z

Registrar: DropWeek.com, Inc.

Registrar IANA ID: 1078

Registrar Abuse Contact Email: [abuse@namepal.com](mailto:abuse@namepal.com) Registrar Abuse Contact Phone: +1.720.921.8850 Domain Status: clientTransferProhibited Registry Registrant ID:

Registrant Name: Domain Administrator

Registrant Organization: United Privacy Corp Registrant Street: P.O. Box #2 Registrant City: Belize City Registrant

State/Province: Belize Registrant Postal Code:

Registrant Country: BZ

Registrant Phone: +501.2230114

Registrant Phone Ext:

Registrant Fax:

Registrant Fax Ext:

Registrant Email: [mixona.com@unitedprivacy.com](mailto:mixona.com@unitedprivacy.com)

Registry Admin ID:

Admin Name: Domain Administrator

Admin Organization: United Privacy Corp

Admin Street: P.O. Box #2

Admin City: Belize City

Admin State/Province: Belize

Admin Postal Code:

Admin Country: BZ

Admin Phone: +501.2230114

Admin Phone Ext:

Admin Fax:

Admin Fax Ext:

Admin Email: [mixona.com@unitedprivacy.com](mailto:mixona.com@unitedprivacy.com)

Registry Tech ID:

Tech Name: Domain Administrator

Tech Organization: United Privacy Corp

Tech Street: P.O. Box #2

Tech City: Belize City

Tech State/Province: Belize

Tech Postal Code:

Tech Country: BZ

Tech Phone: +501.2230114

Tech Phone Ext:

Tech Fax:

Tech Fax Ext:

Tech Email: [mixona.com@unitedprivacy.com](mailto:mixona.com@unitedprivacy.com)

Name Server: LOCKED1.NAMEPAL.COM

Name Server: LOCKED2.NAMEPAL.COM

DNSSEC: unsigned

URL of the ICANN WHOIS Data Problem Reporting System: <http://wdprs.internic.net/> Last update of WHOIS database: 2015-12-23T09:16:20Z

---

You're getting this email because you are a collaborator on ticket [#561810][1]. To participate, simply reply to this email or [click here][2] for a complete archive of the ticket thread.

---

[1] <http://ticket.namepal.com/view.php?auth=c1xw2raaadbkkeaagocnJsrfz1youA%3D%3D>

[2] <http://ticket.namepal.com/view.php?auth=c1xw2raaadbkkeaagocnJsrfz1youA%3D%3D>

EXHIBIT 16



2160 North Central Road, Suite 303  
Fort Lee, NJ 07024

T. 201.585.2288 F. 201.585.2246

110 East 59th Street, 22nd Floor  
New York, NY 10022

212.319.6888 212.319.7539

\* Please reply to New Jersey office

December 23, 2015

via UPS overnight delivery

DropWeek.com, Inc.

c/o Norm R. Taylor, CPA, P.C.

Registered Agent

6140 Tutt Boulevard, Suite 230

Colorado Springs, CO 80923

via UPS overnight delivery

NamePal.com, LLC

6140 Tutt Boulevard, Suite 230

Colorado Springs, CO 80923

via UPS overnight delivery

Mr. Argam Poghosian

Registered Agent for NamePal.com, LLC

3525 West Lake Mary Blvd., Suite 308B

Lake Mary, FL 32746

Re: Mixona  
Our File No.: 1314J

Dear Mr. Taylor and Mr. Poghosian,

This office represents the interests of Mr. Don Young.

Mixona is a registered trademark, owned by Mr. Young, is currently registered with the United States Patent and Trademark Office, pursuant to the Lanham Trademark Act of 1946, 15 U.S.C. § 1051 *et seq.*

It was recently discovered that DropWeek.com, Inc., and/or NamePal, LLC, has created or appropriated a website named "www.mixona.com."





Norm R. Taylor, CPA  
Mr. Argam Poghosian  
December 23, 2015  
Page Two

The use of the word "mixona" or "Mixona" in the name of the website constitutes a significant infringement on Mr. Young's trademark rights, in violation of the Lanham Act, 15 U.S.C. §§ 1114 & 1125, the Federal Dilution Act of 1995, 15 U.S.C. § 1125(c), and the Anticybersquatting Consumer Protection Act of 1999, 15 U.S.C. § 1125(d); see also, Florida Trademark Act, Fla. Stat. § 495.001 et seq.; New York Trademark Act, McKinney's Gen. Bus. Law § 360 et seq. DropWeek.com, Inc. ("DropWeek") and/or NamePal.com, LLC ("NamePal"), are intentionally trading on the good will of Mixona, by using a trademark that is the same. The actions of DropWeek and NamePal are unlawful and constitute unfair competition, intentional trademark infringement, trademark dilution, false designation of origin, and cybersquatting.

Please note that the Lanham Trademark Act, and the analogous state acts, provide numerous remedies for trademark infringement and dilution, including, but not limited to, a preliminary and permanent injunctive relief, monetary damages, including treble damages, disgorgement of a defendant's profits, and attorney's fees.

Please accept this as a demand for DropWeek and NamePal to immediately cease and desist from any use of the Mixona mark, and to transfer the rights to the website [www.mixona.com](http://www.mixona.com), and any similar nomenclature, Mr. Young.

Don Young prefers to resolve this matter without taking legal action, but he is prepared to take the appropriate legal action to protect his rights.

Please contact the undersigned 201.585.2288, ext. 206, or a [wvolonte@kimbae.com](mailto:wvolonte@kimbae.com), within forty-eight (48) hours of receipt of this correspondence.

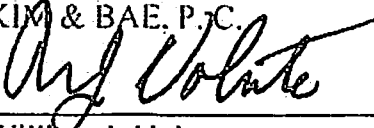


Norm R. Taylor, CPA  
Mr. Argam Poghosian  
December 23, 2015  
Page Three

I note that a number of emails have been circulated from NamePal, disclaiming any responsibility for the unlawful actions set forth above, even though NamePal and DropWeek share the same office suite.

Thank you.

Very truly yours,

By:   
KIM & BAE, P.C.  
William J. Volonte  
Attorney at Law  
O: 201.585.2288, ext. 206  
C: 201.780.4327  
Email: [wvolonte@kimbae.com](mailto:wvolonte@kimbae.com)

WJV:vv

cc: Mr. Don Young



**EXHIBIT 17**

## William Volonte

---

**From:** William Volonte <wvolonte@kimbae.com>  
**Sent:** Thursday, December 24, 2015 10:38 AM  
**To:** 'Namepal Customer Service'  
**Cc:** wvolonte@kimbae.com; don@merchantcoterie.com; 'Steve Kim'; bjkim@kimbae.com  
**Subject:** RE: Mixona.com #561810  
**Attachments:** 2015-12-23 LTR OUT - to DropWeek.com, Inc., Re - Mixona 1314J, w. Ltr.pdf;  
2015-12-23 LTR OUT - to Namepal.com & Mr. Argam , Inc., Re - Mixona 1314J, w. Ltr.pdf

Dear Sam,

ICANN requires us to file for an arbitration. Other communications have claimed that NamePal has no connection with the owner of the domain name, DropWeek, even though they are all headquartered at the same office suite in Colorado. I am enclosing my latest demand letter, dated Dec. 23, 2015. A shell game is going on here. Please immediately transfer the domain name of Mixona to Don Young, to avoid the legal action I am preparing.

Thank you for your time and attention.

Bill Volonte

Cc: B. J. Kim, Esq. and Mr. Don Young

William J. Volonte | Associate

---

2160 North Central Road, Suite 303, Fort Lee, NJ 07024  
T (201) 585-2288-Direct Ext: 206 | F (201) 585-2246

[wvolonte@KimBae.Com](mailto:wvolonte@KimBae.Com) | [WWW.KimBae.Com](http://WWW.KimBae.Com)

110 E. 59th Street, 22nd Fl., New York, NY 10022 T (212) 319-6888

-----Original Message-----

From: Namepal Customer Service [mailto:support@namepal.com]  
Sent: Friday, December 11, 2015 12:37 PM  
To: wvolonte@kimbae.com  
Subject: Re: Mixona.com #561810

Hi William,

did you file an UDRP? This will force us to push the domain to your Namepal account.

<https://www.icann.org/resources/pages/help/dndr/udrp-en>

It is free so please give a try. Once we have it ICANN will contact the current domain owner (we are obligated to give ICANN domain owner data) and once notification sent, we will also push the domain to your account.

Let me know how is it going!

Sam

---

At Namepal.com you can:

Register or renew your .com domains for \$9.59 only!

Check out our latest auctions and grab your favorite domain from \$14.59!

You can create a professional looking website by yourself easy, fast and for FREE!

**William Volonte**

---

**From:** Namepal Customer Service <support@namepal.com>  
**Sent:** Thursday, December 24, 2015 1:07 PM  
**To:** wvolonte@kimbae.com  
**Subject:** Re: Mixona.com #561810

Hi Bill,

You are again confusing the registrar with the registrant. Dropweek is the registrar, which is an ICANN accredited registrar under the NamePal.com platform. All registrars must be independently registered companies in order to be accredited.

I have previously provided you with the registrant, who is the legal owner of the domain name, so that you may contact them in regards to this.

We would advise sending an email to their address, which was also listed in the previous attachment under "Registrant Email:"

Thanks,  
Namepal Support Team

---

At Namepal.com you can:

Register or renew your .com domains for \$9.59 only!  
Check out our latest auctions and grab your favorite domain from \$14.59!  
You can create a professional looking website by yourself easy, fast and for FREE!

# EXHIBIT 18

## EXHIBIT 19

## William Volonte

---

**From:** William Volonte <wvolonte@kimbae.com>  
**Sent:** Sunday, December 27, 2015 1:39 PM  
**To:** 'Namepal Customer Service'  
**Cc:** bjkim@kimbae.com; don@merchantcoterie.com; 'Steve Kim'; wvolonte@kimbae.com  
**Subject:** RE: Mixona.com #561810

Sam,

I do not recall seeing what you believe to be the name of the entity that registered the "mixona" domain name.

Please most kindly tell me who you believe it is.

Thank you.

Bill Volonte

Cc: Mr. Don Young, B.J. Kim, Esq., & Steve Kim

William J. Volonte | Associate

---

2160 North Central Road, Suite 303, Fort Lee, NJ 07024  
T (201) 585-2288-Direct Ext: 206 | F (201) 585-2246

[wvolonte@KimBae.Com](mailto:wvolonte@KimBae.Com) | [WWW.KimBae.Com](http://WWW.KimBae.Com)

110 E. 59th Street, 22nd Fl., New York, NY 10022 T (212) 319-6888

-----Original Message-----

**From:** Namepal Customer Service [mailto:support@namepal.com]  
**Sent:** Thursday, December 24, 2015 1:07 PM  
**To:** wvolonte@kimbae.com  
**Subject:** Re: Mixona.com #561810

Hi Bill,

You are again confusing the registrar with the registrant. Dropweek is the registrar, which is an ICANN accredited registrar under the NamePal.com platform. All registrars must be independently registered companies in order to be accredited.

I have previously provided you with the registrant, who is the legal owner of the domain name, so that you may contact them in regards to this.

We would advise sending an email to their address, which was also listed in the previous attachment under "Registrant Email:"

Thanks,  
Namepal Support Team

---

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Register or renew your .com domains for \$9.59 only!

Check out our latest auctions and grab your favorite domain from \$14.59!

You can create a professional looking website by yourself easy, fast and for FREE!



**William Volonte**

---

**From:** Namepal Customer Service <support@namepal.com>  
**Sent:** Tuesday, December 29, 2015 1:14 PM  
**To:** wvolonte@kimbae.com  
**Subject:** Re: Mixona.com #561810

Hi Bill,

The owner of the domain is listed in the public whois information under registrant.

Registrant Name: Domain Administrator  
Registrant Organization: United Privacy Corp Registrant Street: P.O. Box #2 Registrant City: Belize City Registrant  
State/Province: Belize Registrant Postal Code:  
Registrant Country: BZ  
Registrant Phone: +501.2230114  
Registrant Phone Ext:  
Registrant Fax:  
Registrant Fax Ext:  
Registrant Email:mixona.com@unitedprivacy.com

Thanks,  
NamePal Support Team

---

At Namepal.com you can:

Register or renew your .com domains for \$9.59 only!  
Check out our latest auctions and grab your favorite domain from \$14.59!  
You can create a professional looking website by yourself easy, fast and for FREE!

EXHIBIT 20

**William Volonte**

---

**From:** William Volonte <wvolonte@kimbae.com>  
**Sent:** Tuesday, December 29, 2015 6:07 PM  
**To:** 'Namepal Customer Service'  
**Cc:** wvolonte@kimbae.com; don@merchantcoterie.com  
**Subject:** RE: Mixona.com #561810

Sam,

Is the name of the registrant "Domain Administrator," "United Privacy Corp.", or something else?

Thank you.

Cc: Don Young

William J. Volonte | Associate

---

2160 North Central Road, Suite 303, Fort Lee, NJ 07024  
T (201) 585-2288-Direct Ext: 206 | F (201) 585-2246

[wvolonte@KimBae.Com](mailto:wvolonte@KimBae.Com) | [WWW.KimBae.Com](http://WWW.KimBae.Com)

110 E. 59th Street, 22nd Fl., New York, NY 10022 T (212) 319-6888

-----Original Message-----

**From:** Namepal Customer Service [mailto:support@namepal.com]  
**Sent:** Tuesday, December 29, 2015 1:14 PM  
**To:** wvolonte@kimbae.com  
**Subject:** Re: Mixona.com #561810

Hi Bill,

The owner of the domain is listed in the public whois information under registrant.

Registrant Name: Domain Administrator  
Registrant Organization: United Privacy Corp Registrant Street: P.O. Box #2 Registrant City: Belize City Registrant  
State/Province: Belize Registrant Postal Code:  
Registrant Country: BZ  
Registrant Phone: +501.2230114  
Registrant Phone Ext:  
Registrant Fax:  
Registrant Fax Ext:  
Registrant Email:mixona.com@unitedprivacy.com

Thanks,  
NamePal Support Team

---

At Namepal.com you can:

Register or renew your .com domains for \$9.59 only!

Check out our latest auctions and grab your favorite domain from \$14.59!

You can create a professional looking website by yourself easy, fast and for FREE!

EXHIBIT 21

EXHIBIT 22

UnitedPrivacy.com  
(/)

Home (/)

# THE BEST WAY TO KEEP YOUR MAILBOX CLEAN AND PROTECT YOUR PRIVACY

UNITED PRIVACY WAS DESIGNED TO PROTECT YOUR MAILBOX AND YOUR  
IDENTITY. WE KEEP YOUR MAILBOX CLEAN BUT IMPORTANT EMAILS WILL BE  
ALWAYS DELIVERED TO YOU.

FIND OUT MORE (/about.html)

## *How does it work?*

If you register a domain at any registrar, by default your personal information is available for anyone in Whois listings - anywhere, anytime. This means your contact data and email is public. Companies looking for customers or spammers will find your email and you will get more and more unwanted e-mails or even worse unwanted phone calls. But a private registration with UnitedPrivacy will protect your personal information and your data won't be displayed on public Whois pages. We allow you to control who can reach you!

**PUBLIC Whois**

**Registrant:**

Adam Smith  
88 Minerva Road  
London, NW106HZ  
Registered through Godaddy.com  
Domain Name: YourDomain.com  
Created on: 15-Oct-14  
Expires on: 15-Oct-18  
Last Updated on: 17-Oct-14

[Home \(/\)](#)

[About \(/about.html\)](#)

[Contact \(/contact.html\)](#)

**Administrative Contact:**

Adam Smith  
adamsmith74@gmail.com  
88 Minerva Road  
London, NW106HZ  
+44 20 7287 8964

**Technical Contact:**

Adam Smith  
adamsmith74@gmail.com  
88 Minerva Road  
London, NW106HZ  
+44 20 7287 8964

**UNITEDPRIVACY Whois**

**Registrant:**

United Privacy  
United Privacy Corp.  
P.O. Box #2  
Belize City, Belize  
Registered through Godaddy.com  
Domain Name: YourDomain.com  
Created on: 15-Oct-14  
Expires on: 15-Oct-18  
Last Updated on: 17-Oct-14

**Administrative Contact:**

United Privacy  
YourDomain@UnitedPrivacy.com  
United Privacy Corp.  
P.O. Box #2  
Belize City, Belize  
Tel: + 501 223 0843

**Technical Contact:**



United Privacy  
YourDomain@UnitedPrivacy.com  
United Privacy Corp.  
P.O. Box #2  
Belize City, Belize  
Tel: + 501 223 0843

[Home \(/\)](#)

[About \(/about.html\)](#)

When protection is turned on (can be turned off easily) our email and address shows up. When some one sends an email to your uniquely generated yourdomain@unitedprivacy.com address, we will in-turn forward it your real email address which you specify.

[Contact \(/contact.html\)](#)

This essentially masks your email from the outside world!

**Signing up for privacy service is fast and easy!**

- Buy our privacy from affiliated registrars for any new or existing domain.
- Buy our privacy on a transfer in to any of our affiliated registrars.
- Add privacy to any new or existing backorders placed with our affiliated registrars.

**Why choose United Privacy?**

- United Privacy is located in Belize City, Belize. Belize boasts a lack of government intervention into personal finances and guarantees political and banking stability, with English as an official language. This gives us the very best foundation to protect your privacy and personal information from spammers, scammers and those looking to do harm.

[Home \(/\)](#) / [About \(/about.html\)](#) / [Contact \(/contact.html\)](#) /  
[Privacy Policy](#) / [Terms of Use](#)

Copyright © 2015 UnitedPrivacy.com. All rights reserved

Site powered by Namepal.com (<http://www.namepal.com>) Website Builder

**UnitedPrivacy.com**  
(/)

[Home \(/\)](#)

## **PUBLIC VS. PRIVATE**

[About \(/about.html\)](#)

[Contact \(/contact.html\)](#)

### ***How you can protect your e-mail and identity?***

Getting Private Registration is Easy!

Buy privacy from an affiliated registrar for a new or existing domain.

Add privacy when you transfer a domain to an affiliated registrar.

Add privacy to a new or existing domain name backorder at an affiliated registrar.

If you have question, please do not hesitate to contact us ([/contact.html](#))!

[Home \(/\)](#) / [About \(/about.html\)](#) / [Contact \(/contact.html\)](#) /  
[Privacy Policy](#) / [Terms of Use](#)

Copyright © 2015 UnitedPrivacy.com, All rights reserved

Site powered by Namepal.com (<http://www.namepal.com>) Website Builder

## EXHIBIT 23

## William Volonte

---

**From:** William Volonte <wvolonte@kimbae.com>  
**Sent:** Tuesday, December 29, 2015 6:25 PM  
**To:** admin@unitedprivacy.com  
**Cc:** don@merchantcoterie.com; wvolonte@kimbae.com; 'Steve Kim'  
**Subject:** Mixona

Dear Sirs/Madams:

This office represents the interests of Mr. Don Young, who has registered the name "Mixona" as a trademark. It appears that this domain name is being used by another party, who does not have the trademark registered.

The public name is UnitedPrivacy. Please advise me whether you are the registrant of this mark, or if another entity is. If it is another entity or person. If it is another entity or person, please advise of her, his, or its name, physical address, and email.

Thank you.

Bill Volonte

Cc: Don Young.

William J. Volonte | Associate



**KIM & BAE, P.C.**  
**ATTORNEYS AT LAW**

2160 North Central Road, Suite 303, Fort Lee, NJ 07024  
T (201) 585-2288-Direct Ext: 206 | F (201) 585-2246

[wvolonte@KimBae.Com](mailto:wvolonte@KimBae.Com) | [WWW.KimBae.Com](http://WWW.KimBae.Com)

110 East 59th Street, 22nd FL., New York, NY 10022  
T (212) 319-6888

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## EXHIBIT 24

## William Volonte

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**From:** William Volonte <wvolonte@kimbae.com>  
**Sent:** Wednesday, December 30, 2015 10:22 PM  
**To:** 'Namepal Customer Service'; don@merchantcoterie.com  
**Cc:** bjkim@kimbae.com; 'Steve Kim'; wvolonte@kimbae.com  
**Subject:** RE: Namepal.com: we have received your reply! #561810

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Sam and the NamePal Support Team:

PLEASE just tell me who the ACTUAL owner/registrant of the domain name is, so I don't have to get it through discovery in civil court.

Thank you very, very much.

cc: B. J. Kim, Esq.  
Mr. Don Young  
Steve Kim

William J. Volonte | Associate

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-----Original Message-----

**From:** Namepal Customer Service [mailto:support@namepal.com]  
**Sent:** Tuesday, December 29, 2015 6:20 PM  
**To:** wvolonte@kimbae.com  
**Subject:** Namepal.com: we have received your reply! #561810

Hi,

Thank you for your reply!

Our team will get back to you with an answer in couple of hours.

Kind regards,

NamePal Support  
Ph: (407) 329-3297